IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

MACA.No. 954 of 2007()

OPMV.3620/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

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APPELLANT/PETITIONER IN OP(MV):

P.SAIDALAVI, S/O.MOOSAKUTY,
AGED 38 YEARS, RESIDING AT POYILIL HOUSE,
PERUMUGHAM POST, FEROKE, KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS/RESPONDENTS IN OP(MV):

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1. BINOY ALEX, RESIDING AT VANGAZHIYIL HOUSE, CHIYYARAM, THRISSUR POST.

2. K.A.RAPPAI, S/O.ANTHONI, KANHIRAPPARAMBIL HOUSE, RAMAVARMAPURAM POST, TRICHUR.

3. THE UNITED INDIA INSURANCE COMPANY LTD., BRANCH OFFICE, 1ST FLOOR, KAP COMMERCIAL CENTRE, ALWAYS.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.
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M.A.C.A. No. 954 OF 2007

Dated this the 22nd day of June, 2007
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JUDGMENT

The petitioner in O.P.(M.V). 3620/2001 has filed this appeal challenging the award passed by the Tribunal, dismissing the claim for compensation. The petitioner was a traveller in a goods vehicle. It was alleged that a lorry came from the opposite direction and hit the goods vehicle and he sustained injuries. It was alleged that the accident occurred due to the negligence of the driver of the lorry. On analysing the evidence, the Tribunal held that, infact, the petitioner was the driver of the autorishkaw and his contention that he was a passenger, cannot be accepted. It was also held that the accident occurred due to his negligence. This findings of fact is based on good evidence. I do not find any reason to interfere with the order passed by the Tribunal. There is no merit in the appeal and it is only to be dismissed.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR
JUDGE.

bkn